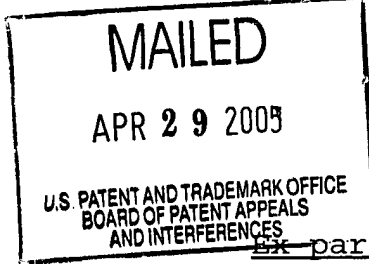


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

~~Ex parte~~ MASANOBU IWASAKI and YOSHIO HAYASHIDE

Application No. 09/934,474

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (hereinafter the "Board") on March 15, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On May 20, 2003, the Board mailed an Order Returning Undocketed Appeal to Examiner (hereinafter "Order"), wherein the Board ordered the examiner to consider the timeliness of the Notice of Appeal, filed September 4, 2002. On November 17, 2003, appellants responded to the Order by providing a copy of the dated stamped post card receipt. The post card receipt indicates that the Notice of Appeal and Request for a two-month extension of time were filed on September 4, 2002. The post card receipt also included a deposit account number for the charging of the Notice of Appeal and extension of time fees. According to the

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USPTO fee records, the Notice of Appeal fee in the amount of \$320.00 was charged on September 6, 2002.¹ However, the \$410.00 two-month extension of time fee was not charged until February 12, 2004.

On April 26, 2004, appellants requested a refund of \$410.00, indicating that the fee had been erroneously charged.¹ On June 2, 2004, in response to appellants' request for a refund, \$410.00 was credited to appellants' deposit account. Thus, the \$410.00 fee for a two-month extension of time remains unpaid.

Accordingly, it is

ORDERED that the application is returned to the examiner to have the requisite two-month extension of time fee of \$410 charged to appellants' deposit account, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

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KJ/clm/meh

¹ It is believed that appellants misapprehended that the \$410.00 fee charged on February 12, 2004 was for filing a response to the Board's Order.